(3) C.S.108

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 1676 OF 2004

BETWEEN

Mahendra Kumar Painkra S/o Anand Singh Painkra, aged about 38 years, occupation sarpanch, Gram Panchayat Khuntapani, Tehsil Pathalgaon District Jashpur (CG) .

P.R. No. 166 Stay
Presented by Shri Aman Kerketta
dated 21-6-04

PETITIONER

AND

1. The State of Chhattisgarh,
Through the Secretary Department of Panchayat,
D.K.S.Building, Raipur (CG).

2. The Collector,
Jashpur, District Jashpur (CG).

3. The Sub Divisional Officer,
Pathalgaon, District Jashpur (CG).

4. Tankeshwar Yadav, Up Sarpanch,
Gram Panchayat Khuntapani, Tehsil Pathalgaon,
District Jashpur (CG).

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21/6/04
Clerk to A.G. Bilaspur

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(41)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 1676/2004

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

6/7/2004

Shri Awadh Tripathi, counsel for the petitioner.

Shri Satish Gupta, Deputy Govt. Advocate takes notice on behalf of the Respondents No. 1 to 3.

Heard.

The petitioner by filing this writ petition under Articles 226/227 of the Constitution of India has challenged the order dated 1.6.2004 passed by the Collector, Jashpur whereby the petitioner has been removed from the post of Sarpanch on the ground that the wife of the petitioner has given birth to third child.

Since the order against which this petition has been preferred is appellable before the Director, Panchayat, as such equally efficacious remedy was available to the petitioner under the law. He ought to have availed that remedy.

In view of the above, the petition is dismissed at this admission stage. However, if the petitioner files an appeal within a period of 7 days from today, it is expected that the Director, Panchayat will decide the appeal as early as possible.

In view of the above order M(W)P No. 1494/2004 and I.A. No. 4025/2004 stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

[पीछे देखिये